

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated October 16, 2008 and the Advisory Action dated August 27, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-5, 9-17 and 19 are pending in the Application. By means of the present amendment, claim 8 is canceled without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

In the Office Action, claims 5, 9 and 12-15 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully disagree and submit that the specification fully complies with the written description requirement, and reasonably conveys that the inventors, at the time of the application was filed, had possession of the claimed inventions, for at least the following reasons.

Regarding claim 5, the Applicants have elected to amend claim

5 to recite "mono-aluminum phosphate binders" as suggested in the Office Action.

Regarding claim 9, the Final Office Action essentially states that there is no support for the claim feature "between 10 ...". Applicants respectfully disagree. Indeed, by the Examiner's own admission, the specification supports endpoints of 1 and 15. This admission alone provides a clear indication that there is support for "between 10 ...". Moreover, claim 9 as originally filed recites "the second layer is between 1 and 15 microns." In view of this disclosure, the rejection is seemingly not well-founded.

In consideration of Range Limitations, the MPEP in §2163.05 III, recognizes that a range limitation that is encompassed by an originally disclosed range, meets the written description requirement. As recognized by the Federal Circuit in the decision in (emphasis added) "In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976), the ranges described in the original specification included a range of "25%- 60%" and specific examples of "36%" and "50%." A corresponding new claim limitation to "at least 35%" did not meet the description requirement because the phrase "at least" had no upper limit and caused the claim to read literally on

embodiments outside the "25% to 60%" range, however a limitation to "between 35% and 60%" did meet the description requirement." See, MPEP in §2163.05 III.

It is respectfully submitted that the range of "between 10 and about 15 μm in thickness" as recited in claim 9 does not read on embodiments outside claim 9 as originally presented which recited "between 1 and 15 μm ." Further, it is respectfully submitted that the specification as submitted describes a "typical thickness of the porous layer is about 15 μm ." (See, present application, page 4, lines 1-2.) Accordingly, as recognized by the Federal Courts and the MPEP, an endpoint of between 10 ... is fully supported by the written description.

With further regard to claims 12 and 15 (and claims 13 and 14 by dependency), the Office Action states that there is no support for adjusting process parameters to obtain density, particle volume fraction, layer thickness and pore size (as recited in the claims) as the specification only discusses "porosity". Applicants respectfully disagree. By the Examiner's own admission, the specification supports, at the very least, changes in the porosity "properties" of the first and second layers can be achieved based

on applying different deposition techniques or inclusion of different binder to filler ratios. In addition, other properties such as density, layer thickness and particle volume fraction are other properties that are determined, in part, by such application techniques and binder to filler ratios (see, e.g., page 2, line 29 - page 3, line 13). However, in the interest of expediting consideration and allowance of the present patent application, claims 12 and 15 are amended to recite "wherein at least one of porosity, density, particle volume fraction, layer thickness, and pore size of the first and second layers are determined by one of applying a different technique to deposit each of the first and second layers, selecting different binder to filler ratios and selecting different filler particles sizes for each of the first and second layers." Support for these particular properties is found, for example, on page 2, line 30 through page 3, line 13.

In view of the above, Applicants respectfully submit that claims 5, 9 and 12-15 are supported by the specification and comply with the written description requirements under 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the rejections under 35 U.S.C. §112, first paragraph is requested.

In the Office Action, claims 8 and 17 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for various reasons identified in the Office Action. The cancellation of claim 8 renders moot this rejection regarding claim 8. Claim 7 is amended herein to properly reflect the antecedence from claim 1 as noted in the Office Action. Accordingly, it is respectfully submitted that claim 17 is in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph be withdrawn.

In the Office Action, claims 1-4, 8, 9-16 and 19 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,390,432 to Boulud ("Boulud I") in view of U.S. Patent No. 3,551,183 to Vondracek ("Vondracek"). Further, claims 1, 2, 5, 8-11, 16, 17 and 19 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,684,539 to Boulud et al ("Boulud II") in view of U.S. Patent No. 5,060,406 to Verweij ("Verweij"). The rejections are respectfully traversed. It is respectfully submitted that claims 1-5, 9-17 and 19 are allowable over the cited references for at least the following reasons.

It is undisputed that Boulud I and Boulud II fail to disclose or suggest "wherein the second layer comprises inorganic particles, and wherein the inorganic particles include clay particles or Al_2O_3 particles" as recited in claim 1.

Each of Vondracek and Verweij are cited to cure the deficiencies in each of Boulud I and Boulud II, however, it is respectfully submitted that reliance on each of Vondracek and Verweij is misplaced.

Both Vondracek and Verweij describe a single layer for a steam iron and not a second layer that is deposited over a first layer that is essentially impermeable to water and is thermally insulating as recited in the claims. As a person of ordinary skill in the art of layer deposition would readily appreciate, a teaching of depositing a layer onto a chamber surface as taught by Vondracek (see, Vondracek, Col. 3, lines 32-34) or a applying of a layer to an aluminum steam chamber as taught by Verweij (see, Verweij, Col. 3, lines 31-32) can not be readily applied to an application of that same layer over another layer. It is respectfully submitted that one would not be motivated by the teachings of the references, such as Verweij which describes that "the mutual bond of the

suspension particles and the adherence to the aluminum bottom of the steam chamber are enhanced because the acid $\text{H}_2\text{PO}_4^{2-}$ ions react both with metals and oxides until stable" to overlie this layer over other than the aluminum steam chamber since clearly, no such benefit would be derived.

It is respectfully submitted that the Applicants are not claiming that they are the first to apply a given layer for use within a steam chamber, nor can the claims be interpreted so broadly.

It is respectfully submitted Boulud I in view of Vondracek and Boulud II in view of Verweij does not disclose or suggest, a coating for an interior surface of a steam-generating device that amongst other patentable elements, comprises (illustrative emphasis provided) "a first layer deposited on the interior surface of the steam-generating device and a second layer deposited over the first layer, wherein the first layer is essentially impermeable to water and is thermally insulating and the second layer is hydrophilic, wherein the second layer comprises inorganic particles, and wherein the inorganic particles include clay particles or Al_2O_3 particles" as recited in independent claim 1.

Regarding claims 12-15, the Office Action has backed away from its prior position and now states that since each layer in effect "have some degree of porosity or density or thickness of the layers, and therefor are said to read on the instant claims."

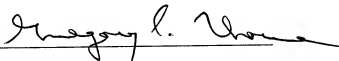
Nonetheless, it is respectfully submitted Boulud I in view of Vondracek and Boulud II in view of Verweij does not disclose or suggest, a coating for an interior surface of a steam-generating device that amongst other patentable elements, comprises (illustrative emphasis provided) "a first layer deposited on the interior surface of the steam-generating device and a second layer deposited over the first layer, wherein the first layer is essentially impermeable to water and is thermally insulating and the second layer is hydrophilic, wherein a composition of the first layer and the second layer is similar and wherein at whether the layer is essentially impermeable to water or is hydrophilic is determined by one of applying a different technique to deposit each of the first and second layers, selecting different binder to filler ratios and selecting different filler particles sizes for each of the first and second layers" as recited in claim 12 and as similarly recited in claim 15.

Based on the foregoing, Applicants respectfully submit that independent claims 1, 12 and 15 are allowable over Brautter, Boulud I or Boulud II, either singularly or in any combination, and notice to this effect is earnestly solicited. Claims 2, 4-5, and 9-11 depend from claim 1, claims 13 and 14 depend from claim 12, and claims 16, 17 and 19 depend from claim 15 and, accordingly, are allowable over the cited art of record for at least the same reasons as claims 1, 12 and 15, as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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